

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ERASTO ARROYO BARCENAS, et al.,	§	
<i>Plaintiffs, Individually and on</i>	§	
<i>Behalf of the Class of Those</i>	§	
<i>Similarly Situated,</i>	§	
	§	
v.	§	Case No. 1:22-cv-00397-RP
	§	
STEVEN McCRAW in his individual	§	
capacity, et al.,	§	
<i>Defendants.</i>	§	
	§	

DEFENDANTS' UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

TO THE HONORABLE JUDGE ROBERT PITMAN:

Now COMES Defendants Steven C. McCraw, Greg Abbott, Bryan Collier, Brad Coe, and Kinney County, Texas (“Defendants”) who file this unopposed motion to amend the Court’s scheduling order. Defendants ask for one additional week to file their amended pleading in light of Plaintiffs amending their complaint between entry of the Court’s original scheduling order and the deadlines contained therein.

STANDARD OF REVIEW

“When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion if . . . a request is made before[] the original time or its extension expires.” FED. R. CIV. P. 6(b)(1). District courts have “broad discretion to grant or deny an extension.” *Salts v. Eps*, 676 F.3d 468, 474 (5th Cir. 2012) (quoting Wright & Miller, Fed. Prac. & Proc. § 1165). “[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” Fed. Prac. & Proc. § 1165.

ARGUMENTS & AUTHORITIES

The current briefing schedule governs the defendants' responsive pleading deadline as well as the response and replies thereto. The schedule was entered when Plaintiffs' Original Complaint was the live-pleading. *Compare* Dkt. #1, *with* Dkt. #8. Plaintiffs have since amended their pleading. *See* Dkt. #9, Dkt. #10. Defendants respectfully submit that good cause exists for amending the current briefing schedule and respectfully asks the Court to amend the deadlines as follows:

	ORIGINAL DEADLINE	PROPOSED AMENDED DEADLINE
1. Defendants' responsive pleading(s) shall be filed on or before	July 11, 2022	July 18, 2022 (+1 week)
2. Plaintiffs' response to Defendants' responsive pleading(s), if any, shall be filed on or before	August 24, 2022	August 31, 2022 (+1 week)
3. Defendants' reply in support of their responsive pleading(s), if any, shall be filed on or before	September 9, 2022	September 16, 2022 (+1 week)

PRAYER

For these reasons, Defendants respectfully ask the Court to enter an amended scheduling order containing the aforementioned deadlines.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General
GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN COWLES
Deputy Attorney General for Civil Litigation

CHRISTOPHER D. HILTON
Chief, General Litigation Division

SHANNA MOLINARE
Chief, Law Enforcement Defense Division

/s/ Benjamin L. Dower

Benjamin L. Dower

Deputy Chief, General Litigation Division

Texas State Bar No. 24082931

benjamin.dower@oag.texas.gov

Attorney-in-Charge

Kimberly Gdula

Texas Bar No. 24052209

kimberly.gdula@oag.texas.gov

William D. Wassdorf

Texas Bar No. 24103022

will.wassdorf@oag.texas.gov

Allison M. Collins

Texas Bar No. 24127467

Allison.collins@oag.texas.gov

Assistant Attorneys General

Office of the Attorney General
General Litigation Division

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

(512) 463-2120 / Fax (512) 320-0667

ATTORNEYS FOR DEFENDANT

GOVERNOR GREG ABBOTT

/s/ Jason T. Bramow

Jason T. Bramow

Texas State Bar No. 24101545

jason.bramow@oag.texas.gov

Attorney-in-Charge

Jessica L. Weltge

Texas Bar No. 24118585

jessica.weltge@oag.texas.gov

Marlayna M. Ellis

Texas Bar No. 24123448

marlayna.ellis@oag.texas.gov

Assistant Attorneys General

Office of the Attorney General

Law Enforcement Defense Division

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

(512) 463-2080 / Fax (512) 370-9994

ATTORNEYS FOR DEFENDANTS

EXECUTIVE DIRECTOR BRYAN COLLIER

EXECUTIVE DIRECTOR STEVEN McCRAW

Denton Navarro Rocha Bernal & Zech, P.C.

attorneys & counselors at law • rampagelaw.com

A Professional Corporation

2500 W. William Cannon Drive, Suite 609

Austin, Texas 78745

512/279-6431

512/279-6438 (Facsimile)

smtschorhart@rampagelaw.com



By:

SCOTT M. TSCHIRHART

State Bar No. 24013655

ATTORNEYS FOR DEFENDANTS SHERIFF BRAD

COE AND KINNEY COUNTY

CERTIFICATE OF CONFERENCE

I, Benjamin L. Dower, hereby certify that on July 5, 2022, I corresponded via email with counsel for Plaintiffs, Susan E. Hutchison, who confirmed Plaintiffs' non-opposition and indicated that the new deadlines proposed herein were acceptable.

/s/ Benjamin L. Dower

Benjamin L. Dower

Deputy Chief, General Litigation Division

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2022, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Benjamin L. Dower

Benjamin L. Dower

Deputy Chief, General Litigation Division